

David A. Blansky, Esq.  
Partner

516.826.6500 x207

[dab@lhmlawfirm.com](mailto:dab@lhmlawfirm.com)

**LAMONICA HERBST & MANISCALCO, LLP**

*Moving Forward. Staying Ahead.®*

December 7, 2020

**Via ECF**

Honorable Martin Glenn  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

**Re: Lee Alexander Bressler  
Chapter 7  
Case No. 18-13098 (MG)  
Messer, as Trustee v. Amy L. Bressler, as Trustee  
of the 83 Spring Close Trust  
Adv. Pro. No. 20-01230-MG**

Dear Judge Glenn:

As directed by the Court at the hearing held last Monday, November 30, 2020, counsel to the Trustee and Defendants have conferred concerning Defendants' pending motion to dismiss [Dkt Nos. 4-5] and the prospect of this adversary proceeding be consolidated or tried jointly with adversary proceeding no. 19-01127-MG.

Subject to the Court's approval, the parties jointly propose to proceed as follows:

1. Defendants' shall withdraw their motion to dismiss, without prejudice.
2. Defendants shall file and serve their answer to the Trustee's complaint no later than December 31, 2020.
3. Defendants shall serve any non-party subpoenas no later than December 31, 2020, which subpoenas shall require that documents be produced on or before January 15, 2021 and that parties appear to be deposed on or before January 31, 2021.
4. Following receipt of Defendants' answer, on or before January 15, 2021, the Trustee shall serve any discovery demands or subpoenas necessary to supplement the discovery taken in adversary proceeding no. 19-01127-MG.
5. The parties consent to this adversary proceeding and adversary proceeding no. 19-01127-MG being tried jointly, under Rule 42(a)(1) and (3) of the Federal Rules of Civil Procedure, as made applicable by Rule 7042 of the Federal Rules of Bankruptcy Procedure.
6. Depending on whether the Trustee requires any further discovery, the parties propose to jointly try the matters in either February or March 2021.

**LAMONICA HERBST & MANISCALCO, LLP**

December 7, 2020

Page -2-

Although Amy Bressler consented to this Court's entry of a final order in connection with adversary proceeding no. 19-01127-MG, Defendants do not consent to this Court's entry of a final order in connection with this adversary proceeding.

Respectfully submitted,

*s/David A. Blansky*

David A. Blansky

DAB:rrl

cc: Chester R. Ostrowski, Esq. (Via ECF & E-Mail)

Gregory Messer, as Trustee (Via E-Mail)

M:\Documents\Company\Cases\Bressler, Lee\Adversary Proceedings\83 Spring Close Veil Piercing Adv Pro\LTR MG re motion to dismiss.doc

***MEMORANDUM ENDORSED. IT IS SO ORDERED.***

***DATED: December 8, 2020***

*/s/Martin Glenn*

***UNITED STATES BANKRUPTCY JUDGE***